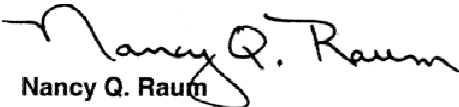


Transportation Security Administration
Office of Human Resource Management
Washington, DC 20590

Date: July 31, 2002

SUBJECT: Interim Policy on Addressing Performance and Conduct Problems

FROM: 
Nancy Q. Raum
Deputy Director
Office of Human Resource Management

Attached please find our interim policy on Addressing Performance and Conduct Problems.

If you have any questions concerning this interim policy, please contact Janet Cammarota on (202) 385-1234.

**U.S. DEPARTMENT OF TRANSPORTATION
TRANSPORTATION SECURITY ADMINISTRATION
HUMAN RESOURCE MANAGEMENT POLICY MANUAL**

DATE: July 29, 2002

HRM Letter 752 – 1

SUBJECT: Interim Policy for Addressing Performance and Conduct Problems

1. Purpose

- a. The purpose of this letter is to set forth the Transportation Security Administration's policies, requirements, and procedures for addressing performance and conduct problems. These policies, requirements and procedures are issued on an interim basis and recognize that Transportation Security Administration employees have the responsibility to perform functions that are critical to the safety and security of the United States.
- b. TSA adheres to the concept of progressive discipline. This does not mean that a supervisor must always begin to address a problem with the least severe form of discipline. It does mean that the supervisor should administer the least amount of discipline believed to be necessary to correct the conduct or performance. Should that measure prove to be ineffective, more severe discipline may be imposed.
- c. Supervisors and managers should make every effort to ensure that employees are on notice of problems with conduct or performance as soon as possible and should clearly communicate to the employee the supervisor's expectations and how the employee may improve his or her performance. Continuous coaching and feedback are a critical part of the supervisor's role in managing performance and conduct.
- d. Before taking any action to suspend, remove or reduce the pay or grade of an employee, supervisors and managers shall consult with the Office of Human Resources Management and/or the Office of Chief Counsel, as appropriate. Supervisors and managers are to make a thorough and objective inquiry to establish the facts and circumstances of matters about which action under this letter may be taken.

2. Authority

This letter is issued under the authority of the Aviation and Transportation Security Act (the Act).

3. Definitions

Terms have the following meaning in this letter:

- a. Act: The Aviation and Transportation Security Act, Public Law 107-71.
- b. TSA: Transportation Security Administration.
- c. Adverse action: A suspension of any length including an indefinite suspension, removal, reduction in grade/pay level or rates of pay, or furlough.
- d. Day: Calendar day.

- e. Furlough: The placement of an employee in a non-duty, non-pay status for non-disciplinary reasons.
- f. Letter of Warning: A letter of warning is a formal corrective action. A supervisor may issue a letter of warning to deal with either a conduct or performance problem. It is the least severe of the formal corrective actions and will be placed in the employee's Official Personnel Folder for a specified time not to exceed two years.
- g. Pay: The rate of basic pay fixed by law or administrative action for the position held by the employee; that is, the rate of pay before any deductions and exclusive of additional pay of any kind.
- h. Suspension: The placement of an employee in non-duty, non-pay status for disciplinary reasons.
- i. Under Secretary: The Under Secretary for Transportation Security.
- j. Written Counseling: A written counseling is designed to put an employee on notice about conduct or performance which should be corrected and provide information on how to correct the problem.

4. Relationship to Other Laws and Regulations

a. Screeners.

The Act provides, "Notwithstanding any other provision of law, the Under Secretary of Transportation for Security may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of Federal service for such a number of individuals as the Under Secretary determines to be necessary to carry out the screening functions of the Under Secretary under section 44901 of title 49, United States Code. The Under Secretary shall establish levels of compensation and other benefits for individuals so employed."

b. Employees Other than Screeners.

The Act provides, "The personnel management system established by the Administrator of the Federal Aviation Administration under section 40122 [of Title 49] shall apply to employees of the Transportation Security Administration, or, subject to the requirements of such section, the Under Secretary may make such modifications to the personnel management system with respect to such employees as the Under Secretary considers appropriate, such as adopting aspects of other personnel systems of the Department of Transportation."

- c. This letter modifies the personnel management system developed by the Federal Aviation Administration and applies the policies, requirements, and procedures set forth in this letter and related instructions concerning discipline to all employees of the TSA.

5. Coverage

a. Employees covered

The requirements and procedures set forth in the following sections apply to employees serving on appointments without time limitation except for those set forth in paragraph b. of this section.

b. Employees Not Covered

The following employees are not covered by the due process requirements and procedures set forth in this letter. However, they are covered by the Under Secretary's determination set forth in section 4 above and are subject to discipline up to and including removal at the will of the Under Secretary or his designees, and in accordance with any applicable instructions which he may issue to cover them.

- (1) Employees serving an initial period of training or orientation;
- (2) Employees serving a probationary period;
- (3) Employees serving on time limited appointments;
- (4) Reemployed annuitants as defined in either chapters 83 or 84 of Title V, United States Code;
- (5) Employees serving in positions determined by the Under Secretary to be equivalent to Schedule C or Non-career Senior Executive Service positions because of their policy making, policy advocating, or confidential nature

c. Actions Covered

The following actions are covered by this letter:

- (1) Written Counseling and Letters of Warning;
- (2) Suspensions of any length including indefinite suspensions;
- (3) Removals;
- (4) Reductions in grade or pay level or in basic pay; and
- (5) Furloughs of any length.

d. Actions Not Covered

- (1) Reduction in force;
- (2) Reduction in grade of a supervisor or manager serving a supervisory probationary period as provided for in HRM Letter 300-2 if the reduction is to a grade no lower than the grade the employee was serving before entering the supervisory or managerial position;
- (3) Termination of a time-limited promotion at any time and return of the employee to a position at a grade or pay level no lower than the one from which promoted;
- (4) Voluntary action initiated by the employee;
- (5) Correction of an erroneous personnel action or reduction in a pay rate which is contrary to law, regulation, or policies of the TSA;
- (6) Action directed by a court or other authority;

- (7) Placement of an employee serving on an intermittent or seasonal basis in non-duty and non-pay status in accordance with the conditions of the appointment;
 - (8) Terminations of employees in probationary periods other than supervisory/managerial probationary periods; and
 - (9) Termination of reemployed annuitants.
- e. Actions arising out of conduct which was the subject of an investigation by the Office of the Associate Under Secretary for Inspection or the Office of the Inspector General

Where conduct of a TSA employee is the subject of an investigation by the Office of the Associate Under Secretary for Inspection or the Office of the Inspector General, a Professional Review Board may be established to review the report of investigation and propose any corrective action. The Chair of the Professional Review Board shall act as the proposing official in any adverse action.

6. Cause

- a. The TSA may take an action covered by this letter for such cause as will promote the efficiency of the service.
- b. Actions may be taken for misconduct that occurs while the employee is on duty.
- c. Actions may also be taken for off duty misconduct when it can be shown that there is a nexus or connection between the off duty misconduct and the mission and/or effective operation of the TSA. In the case of criminal activity or other egregious misconduct, a nexus may be presumed.
- d. Actions that are not purely disciplinary may be determined to promote the efficiency of the service and therefore may be taken. For example, if an employee declines to accept a reassignment or a transfer of function to another commuting area, this declination is not considered to be misconduct, but the employee's termination would nevertheless be considered to be for such cause as would promote the efficiency of the service. Note, a declination of a reassignment or transfer of function within the commuting area would be viewed as misconduct, and a disciplinary action, probably removal, could be taken.
- e. Action including demotion or removal will be taken under this letter if an employee is not performing in an acceptable manner. An action taken because of poor performance is considered to be for such cause as will promote the efficiency of the service regardless of whether the poor performance is due to misconduct or is simply due to the employee's inability to perform. Note, in most cases where the poor performance is not due to misconduct and is due to an inability of the employee to perform, the appropriate action would be a demotion or removal as opposed to a suspension because a suspension is not likely to correct the situation where misconduct is not the problem.
- f. Poor performance may be documented by a rating below the acceptable level or equivalent under the TSA's performance management system, or in the absence of a rating, it may be documented by instances of poor performance or performance which does not meet the requirements of the employee's performance agreement.

7. Progressive Corrective Action

- a. It is the TSA's policy to take the least severe action that is likely to correct the problem and is consistent with effective security operations. The TSA will take progressively more severe action until the problem is corrected or the employee is removed.
- b. Nothing in this section, however, prevents the first action taken against an employee from being a removal. There are many situations where misconduct is so serious or performance is so poor that removal is the first appropriate action.
- c. The TSA has a "zero tolerance policy" for certain offenses by screeners. If a screener commits any of these offenses, there will be no progressive discipline, and removal will be the penalty even for the first offense. Attachment 1 to this letter lists these offenses.
- d. The fact that an offense is not shown on attachment 1 or that the employee involved is not a screener, does not preclude the imposition of the removal penalty for a first offense. In these cases, the guidelines for making the penalty determination described in section 8 below will be applied.

8. Penalty Determination

- a. It is the TSA's policy that, to the extent practical, there will be like penalties for like offenses. However, except for the offenses listed in Attachment 1, each proposed penalty will be reviewed by a deciding official who will determine the penalty based on the circumstances of that case.
- b. When determining the appropriate penalty, the deciding official must consider a variety of factors, including the nature and seriousness of the conduct or performance, the employee's position, the employee's potential for rehabilitation, and aggravating or mitigating factors.
- c. The following list includes what are known as the Douglas factors from a case in which they were originally set forth. Deciding officials should use this list as a guide when making penalty determinations. However, all the factors in the list may not be relevant to every case, and there may be other factors which deciding officials may consider being significant.
 - (1) The nature and seriousness of the offense, and its relationship to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated.
 - (2) The employee's job-level and type of employment, including supervisor or fiduciary role, contacts with the public, and prominence of the position. For example, agencies are permitted to hold certain employees such as supervisors or law enforcement officers to higher standards than other employees.
 - (3) The employee's past disciplinary record. If past discipline is used, it must be mentioned in the notice of proposed action, see section 9 below.
 - (4) The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.
 - (5) The effect of the offense upon the employee's ability to perform at a satisfactory level, and its effect upon supervisors; confidence in the employee's ability to perform assigned duties.

- (6) Consistency of the penalty with those imposed upon other employees for the same or similar offenses.
- (7) The notoriety of the offense or its impact upon the reputation of the agency.
- (8) The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question.
- (9) The clarity with which the employee was on notice of performance expectations and problems with his/her performance.
- (10) Potential for the employee's rehabilitation.
- (11) Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice, or provocation on the part of others involved in the matter.
- (12) The adequacy and effectiveness of alternative actions to deter such conduct or improve performance in the future by the employee or others.

9. Procedures

a. Written Counseling Letter

The letter should contain the following information or statements:

- (1) Description of the performance or conduct about which the employee is being warned;
- (2) Any supporting facts;
- (3) Statement that the letter is not a disciplinary action, but if the employee does not correct the performance or misconduct, it might be necessary to initiate disciplinary action which could range from warning to removal;
- (4) Statement that the letter will not be placed in the employee's official personnel folder but will be retained by the supervisor indefinitely; and
- (5) Statement that the letter may not be grieved.

(Although the letter may not be cited as a disciplinary action, it may be used by the Administration to demonstrate that an employee was on notice concerning a particular behavior or performance).

b. Letter of Warning

A letter of warning should contain the following information and/or statements:

- (1) Description of the reasons why the letter is being issued;
- (2) Any supporting facts;
- (3) Statement that repetition of the misconduct or poor performance may lead to further and more severe corrective action;

- (4) Statement that the letter will be placed in the Official Personnel Folder for a specified time and during that time it may be cited as a prior formal corrective action in any future

corrective or disciplinary matter (**Note:** the letter may not be placed in the official personnel folder for longer than 2 years);

- (5) Statement that the supervisor may remove it earlier;
- (6) Statement that following removal from the official personnel folder, the supervisor will retain the letter indefinitely not as a prior corrective action but as evidence which may be used to show that the employee was on notice about the performance or conduct in question or to rebut any claim by the employee that he/she had no prior history of conduct or performance problems; and
- (7) Statement that the employee has the right to grieve the letter of warning under the grievance procedure established by HRM Letter 771-1 and must file within 15 calendar days of receipt of the letter.

The letter of warning should be signed by the supervisor issuing it and should be placed in the employee's Official Personnel Folder.

An employee has no right to respond to a letter of warning except through the grievance procedure. The supervisor who issued the letter is the first step official in that procedure.

c. Delivery of Letters of Counseling and Letters of Warning

Letters of counseling and warning should normally be delivered in person. The employee should be asked to sign an acknowledgment of receipt and, if he/she refuses, the delivery should be witnessed by two managers.

d. Adverse Actions Other than Indefinite Suspensions or Furloughs

1. Proposal Notice

- (a) Any management official with the delegated authority may issue a notice proposing an action under this guidance, see Attachment 2 to this guidance.
- (b) The notice must be received by the employee at least 15 days before the effective date of the action. If the 15th day is a day such as a weekend or holiday on which the employee is not scheduled to work, the period must be extended to the first day on which he/she would normally be scheduled to work. This refers to the scheduled tour of duty and is not affected by an employee's absence.
- (c) The notice period may be shortened to 7 days if the TSA has reason to believe that the employee has committed a crime for which he/she could be imprisoned.
- (d) The notice must set forth the charge or charges, provide the specifications for the charge, and describe the evidence that supports the charge. The evidence may be in the body of the notice, may be an attachment, or if it is extremely voluminous, the employee may be told where he/she can view it. Whenever possible, the evidence should be provided to the employee with the notice.
- (e) The TSA deciding official may only consider charges and/or evidence contained in or referred to by the notice.

- (f) The notice must inform the employee of what the proposed penalty is, and it must discuss any aggravating factors that the proposing official believes are present.

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- (g) The notice must also inform the employee that he/she has the right to reply, that he/she may be represented, and that he/she and the representative may use a reasonable amount of official time to prepare the reply if the representative is a TSA employee. The cost of representation will be borne by the employee. The notice must also inform the employee who the deciding official will be and whom he/she can contact to make arrangements for a reply or if he/she has any questions.

2. Employee Status During Notice Period.

In most cases the employee will remain in duty status during the notice period. However, if the proposing official determines that keeping the employee in his/her official position of record would be a threat to life, property, safety, or the operation of the TSA, one of the following alternatives may be used:

- (a) Allow the employee to use annual leave, compensatory time, credit hours, sick leave, or leave without pay if the employee requests the leave and it is appropriate;
- (b) Detail the employee to another work unit;
- (c) Place the employee on administrative leave; or
- (d) Continue the employee on an indefinite suspension if one has previously been effected.

3. Right to Reply.

- (a) The employee has the right to reply orally, in writing, or both to the deciding official or the deciding official's designee. If the deciding official chooses to have a designee hear the reply, the designee must prepare a summary of the reply and provide it to the deciding official with a copy to the employee. It is the TSA's policy that deciding officials will hear the reply unless extraordinary circumstances prevent him/her from doing so.
- (b) A written reply must be received by the deciding official within 10 days following receipt of the notice of proposed action, and an oral reply must be presented to the deciding official or designee within 10 days following the employee's receipt of the notice of proposed action.
- (c) A deciding official may, but is not required to, extend the time for a reply upon a written request of the employee.

4. Action by Deciding Official

- (a) The deciding official must be a higher level official than the official who proposed the action (see attachment 2) except if the Under Secretary proposed the action, in which case he will also serve as the deciding official.
- (b) The deciding official may consider only charges and evidence contained in the proposal notice and the employee's reply.
- (c) If the deciding official becomes aware of additional evidence and wishes to consider such evidence in reaching a determination, the deciding official must inform the employee and give him/her additional time to reply before a decision is issued.

5. Content of Decision Notice.

- (a) The decision notice must discuss each charge and inform the employee of the deciding official's decision on each charge including the basis for the decision. The notice must

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discuss the penalty determination including all aggravating factors considered. While not required, it is advisable to discuss any mitigating factors that were considered.

- (b) The notice must mention that the employee's reply was considered and should discuss the resolution of issues raised by the employee.
- (c) The notice must provide the decision on the proposed action and the effective date. The effective date may not be sooner than when the employee receives the notice.
- (d) The notice must explain the employee's appeal rights including applicable time limits and where to send the appeal, Section 12. If the employee has an appeal right to the Merit Systems Protection Board, the employee must be given a copy of the Board's regulations.

5. Delivery of Notices.

- (a) If the employee is on duty, both the proposal and decision notices should be delivered in person, and the employee should be asked to sign a receipt. If the employee refuses to sign, two management officials should witness the delivery and document that the employee received the notice.
- (b) If the employee is not on duty, notices must be mailed both by regular mail and by certified mail with a return receipt requested. Two management officials should witness the regular mailing. The TSA will consider that the employee received a regular mailing 5 mailing days from the day on which the notice was sent, and the TSA may use that date or the date on which the employee signed for the certified notice which ever is earlier.

10. Indefinite Suspensions

- a. An employee may be suspended indefinitely without pay under the following conditions:
- (1) The employee has been indicted for a crime for which a sentence of imprisonment is prescribed;
 - (2) The employee has been arrested pursuant to a warrant issued by a judge or magistrate for a crime for which a sentence of imprisonment is prescribed; or
 - (3) The TSA is conducting an investigation of misconduct that it reasonably believes was committed by the employee in question and is so serious that if it proves to be true, the employee would represent a threat to life, property, safety, or the operation of the TSA.
- b. The procedures set forth in Section 9 must be followed to effect an indefinite suspension.
- c. The indefinite suspension may not continue after the indictment, arrest, or investigation has been adjudicated or resolved except that if the TSA decides to proceed with a removal, the indefinite suspension may continue during the notice period.

11. Furloughs

- a. If it is necessary to furlough employees, the TSA will follow the procedures set forth in

Section 9 if there is advance warning and some, but not all, of the TSA's employees are subject to furlough.

b. Under the following conditions, the procedures in section 9 will not be followed:

(1) A lapse in appropriations;

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(2) An unexpected break down of equipment; and/or

(3) Circumstances which disrupt operations or force the closing of one or more facilities

In these situations, employees will be informed in writing if possible, or orally if there is no time for written communication, that they are on furlough until further notice.

12. Appeals

a. Appeals of Employees other than Screeners.

Employees, other than screeners who are covered by this letter and against whom an action is taken, may have the right to appeal to the Merit Systems Protection Board (MSPB) in accordance with 5 CFR 1201. Copies of the MSPB regulations may be obtained on the MSPB website at www.mspb.gov. Additionally, employees other than screeners may have the right to file an administrative grievance concerning those actions which are not appealable to the MSPB through the Grievance Procedure which is set forth in HRM Letter 771-1. Employees should refer to this letter for information on which actions may be grieved.

b. Appeals of Screeners

Screeners covered by this letter, i.e. those serving on appointments without time limitation who have completed initial training and orientation and who are not serving a probationary period have the right to appeal adverse actions requiring a proposal notice and decision under this guidance to the TSA's Disciplinary Review Board.

(1) Disciplinary Review Board

(a) The Disciplinary Review Board is made up of three members designated by the Associate Under Secretary for Aviation Operations, the Director of Human Resources Management and the Associate Under Secretary for Training and Quality Performance.

(b) The Office of Human Resources Management will provide administrative support to the Board.

(2) Procedures

(a) An employee wishing to appeal to the Board may not appeal until after he/she has received a decision notice. Appeals must be in writing, must set forth any arguments and documentation in support of the appeal and must be filed no more than 30 days after the effective date of the action. If the 30th day is a weekend or holiday, the period is extended to the next workday.

(b) An appeal does not delay the effective date of the action. The appellant must send one copy of the appeal to the Board and one copy to the deciding official.

- (c) Upon receipt of an appeal, the Board will request a response from the deciding official which must be submitted within 15 days from receipt of the board's request to both the board and the appellant.

(3) Decision

- (a) The Board will make its decision based on the written submissions. In unusual circumstances and solely within its discretion, the Board may grant

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a hearing to the appellant if it determines that the taking of testimony would aid its decision making process. There is no right to a hearing.

- (b) During the hearing, the appellant or his/her representative may make arguments and may call those witnesses approved by the Board. The deciding official or TSA's representative may also make arguments and call those witnesses approved by the Board.

- (d) Each member of the Board will have a vote, and two votes are required to take an action. If there are not two votes for a particular action, the deciding official's decision is sustained. The Board will apply the preponderance of evidence standard (more likely true than not) to both the charges and penalty determinations. The burden is with the TSA to prove its charge or charges and its penalty determination by a preponderance of evidence. The Board will apply a harmful error standard to the procedures used. In other words, a procedural error committed by the TSA will not be enough to overturn the action unless the Board determines that in the absence of the procedural violation, the outcome would have likely been different. For example, if an aggravating factor is not mentioned in the proposal notice but is considered by the deciding official, the Board will determine whether the penalty would have been reasonable even in the absence of that aggravating factor. If it would have been, the action will be permitted to stand.

- (e) The Board may take one of the following actions:

- Sustain the action;
- Overturn the action;
- Mitigate the penalty;
- Return the case to the deciding official or a management official above the deciding official with instructions to reconsider the case and report back to the Board.

Action 4 might be appropriate, for example, when the Board sustains some but not all of the charges but cannot determine the appropriate penalty based on fewer charges being sustained.

13. Right to Representation

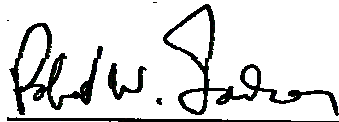
- a. An employee may be represented by anyone who he/she chooses: to assist with the preparation of a written reply or the actual presentation of the oral reply to a proposal notice; or in the preparation of written submissions to the Disciplinary Review Board and in

connection with a hearing before the Board if the Board grants a hearing. The employee must provide the name of the representative to the deciding official in writing. Both the employee and the representative, if he/she is a TSA employee, may have a reasonable amount of official time to prepare and present the reply. Information will be released only to the employee and/or his or her designated representative.

- b. The TSA may refuse to permit a TSA employee to represent another employee only in extraordinary circumstances such as the following: the representation would create a conflict of interest, or the representative cannot be spared because of critical TSA work. Normally the deciding official would make this determination. If an employee's representative is disqualified, the employee must be given reasonable additional time to obtain a new

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representative and prepare a reply. TSA will not pay travel costs for the representative to attend the oral reply. If the employee changes representatives, he or she must notify the appropriate management official in writing.



Robert W. Gardner
Associate Under Secretary for
Finance and Administration

Attachments

Filing Instructions: File with HRM 752 Letters, Bulletins, and Guidance

Distribution: TSA affiliated HR Offices, Associate Under Secretaries, Office Directors

POC: TSAHR/Janet Cammarota/(202) 385-1234

Attachment 1

Screener Offenses for which Removal is Required with the First Offense

- Knowingly operating equipment that is either not working or not turned on;
- Intentionally conducting improper screening procedures or allowing persons/property to bypass required screening;
- Falsification of any records/logs;
- Failure to conduct an operational check at the start of a shift;
- Sleeping on duty;
- Being under the influence of alcohol while on duty or under the influence of illegal drugs at any time;
- Failure to pass operational testing related to the screening function after completing remedial training specified in the security program.
- Disqualifying crimes listed in Sec. 44936 of Parts 107 and 108 of the Air Carrier Security Regulations (the individual was convicted or found not guilty by reason of insanity); A crime referred to in section 46306, 46308, 46312, 46314, or 46315 or chapter 465 of this title or section 32 of title 18;
 - Murder;
 - Assault with intent to murder;
 - Espionage;
 - Sedition;
 - Treason;
 - Rape or aggravated sexual abuse;
 - Kidnapping or hostage taking;
 - Unlawful possession, sale, or manufacture of an explosive or weapon;
 - Extortion;
 - Armed or felony unarmed robbery;
 - Distribution of, or intent to distribute, a controlled substance;
 - Felony arson;
 - A felony involving a threat;
 - A felony involving willful destruction of property;
 - Importation or manufacture of a controlled substance;
 - Burglary;
 - Theft;
 - Dishonesty, fraud, or misrepresentation;
 - Possession or distribution of stolen property;
 - Aggravated assault;
 - Bribery
 - Illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than one year, or any other crime classified as a felony that the Under Secretary determines indicates a propensity for placing contraband aboard an aircraft in return for money;

- Conspiracy to commit the specific acts described in this attachment

Delegation of Authority

Under the Authority of the Aviation and Transportation Security Act, I delegate the following Authorities.

1. Authority to propose adverse actions including suspensions, removals, reductions in grade or pay level or rate of pay and furloughs through managers and supervisors to first line supervisors
2. Authority to decide suspensions, removals, reductions in grade or pay levels or rates of pay, and furloughs through managers and supervisors to all supervisors provided that deciding officials must be one level above the official who proposed the action.

Nothing in sections 1 and 2 prevents a manager or supervisor in the chain of command from exercising the authority delegated to a subordinate manager or supervisor.

3. Authority to designate members of the Disciplinary Review Board is delegated to the Associate Under Secretary for Aviation Operations, the Director of the Office of Human Resources Management and the Associate Under Secretary for Training and Quality Performance.